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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,456	10/15/2004	Patrick Payne	031280-009	9929
<div>7590      05/04/2007</div> <div>Robert E Krebs Thelen Reid &amp; Priest P O Box 640640 San Jose, CA 95164-0640</div> <div>EXAMINER KIM, EDWARD J</div> <div>ART UNIT      PAPER NUMBER 2109</div> <div>MAIL DATE      DELIVERY MODE 05/04/2007      PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/511,456

Applicant(s)

PAYNE, PATRICK

Examiner

Edward J. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/16/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:

The first paragraph of Claim 1, "... collecting information associated with the mobile phone and a user associated with the mobile phone;" is non-idiomatic and appropriate correction is required. The claim seems to be claiming two components: "collecting information associated with the mobile phone" and "a user associated with the mobile phone". Corrections should be made so that the claimed invention is clear. The examiner will assume for examination purposes that the inventor meant to say "collecting information of a user associated with the mobile phone". This is for the reason that if the inventor meant to claim "a user associated with the mobile phone", this will be subject to a non-statutory subject matter for the claimed invention.

Second paragraph of Claim 1, "...based on said information preparing a home page for said user accessible by a computing device or by the mobile phone", needs grammatical clarification. For example, a comma after "said user" followed by "that is" or "which is" are recommended.

2. Claim 5 is objected to because of the following informality:

The third paragraph of Claim 5, "wherein when said media is selected said image of said mobile phone previews said image on said mobile phone", is incongruous and appropriate correction is required. It is to the examiner's understanding that the applicant meant to say that when a media is selected by a user, the image of the mobile

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phone on the web page changes to preview how the selected media would be displayed on the mobile phone. It is advised to be corrected as "wherein when said media is selected, said image previews said media on said mobile phone". The examiner will assume this interpretation for examining purposes. If the applicant meant to say that when the media is selected by a user, the image previews how the image would look on the mobile phone, this is incongruent with the disclosed invention.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al (US 2001/0012281 A1).

Regarding the preamble of Claim 4 and the first paragraph of Claim 4,

"A method of revising a home page by using a computer, the home page displaying an image of an associated mobile phone, comprising:

said computer enabled for the selection of media to display on said home page;"

Hall et al discloses a method and system where "the user can select one or more service preferences for the mobile phone from a simulated mobile phone display on an

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Internet web page" (**Abstract Lines 1~4**) and also discloses the use of "personal or business computer" to access the web page (**Abstract Lines 3~4, Paragraphs [0006], [0013] and [0014]**). Computers are known to a person of ordinary skill in the art to be enabled for selecting and viewing types of media.

Regarding the second paragraph of Claim 4,

"when said media is selected, said image changes to preview said selected media on said associated mobile phone."

Hall et al discloses a "virtual display" of the mobile phone in the web page, which "simulates (or even emulates) the display of the mobile phone" (**Paragraph [0015]**), that reflects the changes made from the web page and changes made from the mobile phone (**Paragraph [0016]**). A user can select or deselect from a list of applications and services to be displayed on the virtual image on the web page, reflecting the changes to be made on the mobile phone itself. The invention discloses user selection of a small clock application as an example of this feature [paragraph 0016]. As a small clock application is considered to be a type of media, disclosure of Hall et al reads upon the invention. Media mentioned in the claims is too broad and it is advised to narrow down the scope of the invention.

5. Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al ( US 2001/0012281 A1).

Regarding Claims 5 and 6,

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“5. A system for a user to modify a home page associated with a mobile phone, comprising:  
a plurality of selectable media at said home page;  
wherein when said media is selected said image of said mobile phone previews said image on said mobile phone.

6. The system of claim 5 wherein said home page is viewable via a computer or by a mobile phone.”

Hall et al discloses a system for carrying out the method of claim 4, which is what is in Claims 5 and 6 (**Abstract Lines 1~4, Paragraphs [0006], [0013]~[0016], Fig. 1, and Claims 12~17**).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins (US 6,295,291 B1) in view of Duncan et al. (US 2002/0107002 A1).

#### **Regarding the preamble of Claim 1,**

“A method of activating a mobile phone comprising:”

Larkins discloses “an over-the-air activation function” for a radiotelephone (**Abstract Line 11 and Column 3 Line 43**). It should be noted that the

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“radiotelephone” that Larkins refers to is equivalent to the “mobile phone” mentioned by Patrick Payne.

Regarding the first paragraph of Claim 1,

“collecting information associated with the mobile phone and a user associated with the mobile phone;”

Larkins discloses a process that takes information of a potential subscriber and then programs the radiotelephone with the appropriate data (**Column 4 Lines 4~9**). Collection of information associated with the user is again disclosed in Larkins (**Column 1 Lines 40~44**) and collection of information associated with the mobile phone is mentioned in Larkins (**Column 1 Lines 45~49**).

Regarding the second paragraph of Claim 1,

“based on said information preparing a home page for said user accessible by a computing device or by the mobile phone;”

Larkins discloses usage of an internet access device to access the world wide web server, where the server provides a web page that displays and makes available a plurality of radiotelephone services and features (**Column 1 Lines 31~38**). It is further disclosed that the “internet access device(101) is a desktop computer running a world wide web access program referred to as a web browser” (**Column 2 Lines 16~18**) and that “other brands and types of computers and other web browsers may be used by the present invention” (**column 2 Lines 22~24**). Use of telephone as a web browser to access the services is mentioned in the specifications as well (**Column 2 Lines 25~29**).

Regarding the third paragraph of Claim 1,

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“sending a message to said mobile phone providing an address of said home page.”

Larkins does not specifically disclose a method of sending an address of a home page to the mobile phone as a message in order to access the web page (**Column 4 Lines 10~15**), however, Duncan et al. (US 2002/0107002 A1) discloses a messaging system (**Paragraphs [0012]~[0051]**) wherein a message, which includes the web address of the response web page, is sent to the mobile phone for the purpose of accessing the web page (**Paragraphs [0014], [0025], and [0031]**).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to combine the teachings of Larkins with those of Duncan et al. for the purpose of accessing the web page, as the combination provides the user with many benefits. The address of the web page sent to the mobile phone as a message can be in the form of a link, which allows easier, direct access to the web page for the user. This eliminates the hassle of opening up a browser and entering the web page address manually through the mobile phone in order to access the information provided in the web page. Also, it eliminates the possibility of the user accessing the wrong web page.

Regarding Claim 2,

“The method of claim 1 wherein said information includes default information selected by a service provider associated with the mobile phone.”

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Larkins discloses a system that "receives the registration information from the radiotelephone and looks up the appropriate radiotelephone service profile" (**Column 1 Lines 45~55**).

Regarding Claim 3,

"The method of claim 2 further comprising:  
configuring said phone based on said information."

Larkins discloses in the summary, that the system utilizes the registration information from the radiotelephone to "reprogram the appropriate radiotelephone" (**Column 1 Lines 45~55**). Programming of the radiotelephone with the appropriate data required is again mentioned in Larkins (**Column 4 Lines 6~9**) and the preamble of Claim 1 of Larkins (**Column 6 Lines 58~64**).

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frid-Nielson et al, US Patent Number 5,761,646, discloses a technique of displaying a replica of an object, which is updated with changes made on the object.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 8:30am - 6:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJK  
04/30/2007

  
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SUPERVISORY PATENT EXAMINER